

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION

MAR 14 2012
JULIA C. DUDLEY, CLERK
BY *J. McDonald*
DEPUTY CLERK

UNITED STATES OF AMERICA

Case No. 4:96-cr-30029-1

v.

DAIRUS KIOWA PERKINS,
Petitioner.

§ 2255 ORDER

By: Hon. Jackson L. Kiser
Senior United States District Judge

For the reasons stated in the accompanying Memorandum Opinion, it is hereby

ORDERED

that petitioner's petition for a writ of audita querela (no. 209) is **CONSTRUED** as a motion to vacate, set aside or correct sentence, pursuant to 28 U.S.C. § 2255; the Clerk shall **OPEN** a new action for this § 2255 motion; this new § 2255 motion is **DISMISSED** without prejudice as successive; a certificate of appealability is **DENIED**; and the action is **STRICKEN** from the active docket of the court.

The Clerk is directed to send copies of this Order and the accompanying Memorandum Opinion to petitioner and to counsel of record for the United States.

ENTER: This 14th day of March, 2012.

Jackson L. Kiser
Senior United States District Judge